

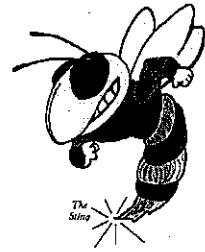
# YELLOW MEDICINE EAST – ISD 2190

*Serving the communities of Clarkfield, Echo, Granite Falls, Hanley Falls, Hazel Run & Upper Sioux*

Dr. Rick Clark, Superintendent

450 9<sup>th</sup> Avenue - Granite Falls, MN 56241

Phone: 320-564-4081 - Fax: 320-564-4781



May 24, 2018

Re: FCC Appeal  
Yellow Medicine East School District  
BEN # 133868  
450 9<sup>th</sup> Avenue  
Granite Falls MN 56241

To Whom It May Concern:

I am filing this appeal with the FCC due to a denial of payment on BEAR form (SLD Invoice #2721969) for FRN 1799043870, Funding Year 2017-2018. I will not reiterate the sequence of events that occurred since receiving the original Funding Commitment Decision letter (FCDL) on 9/15/17 as I have included a document detailing all that has happened since then.

The district has responded to USAC in a timely manner to all requests received from USAC. Various case numbers were assigned and we also dealt with several different individuals at USAC. The original appeal to USAC was denied due to Yellow Medicine East not filing the appeal within 60 days of receiving the FCDL. Due to the fact that we were communicating with USAC on a regular basis from 9/15/17 until 3/9/18, the district had no idea that we would need to file an appeal and therefore were not in the 60 day window when finally instructed to file an appeal. See entry in the included document on 3/9/18.

Through no fault of our own, the appeal to USAC was denied on a technicality that we feel we had no control over. The district has always been timely and forthcoming with all information requested by USAC. The project was approved in the original FCDL and therefore the district went ahead with the project expecting a 70% erate reimbursement. Again, as a small rural school district, the erate funding is crucial to keeping our district up to date with technology.

We would appreciate the FCC taking another look at our appeal and waive the 60 day requirement so that USAC can proceed with reimbursing the district in the amount of \$4,104.24.

Thank you in advance for your assistance with this.

Sincerely,

LeeAnn Boushek  
Business Manager  
[lboushek@isd2190.org](mailto:lboushek@isd2190.org)

Documents included:

1. Timeline of events
2. Dell Invoice – See page 2 line item 210-AHTR \$5,863.20
3. Revised Funding Commitment Decision Letter

YME HIGH SCHOOL  
Ryan Luft, Principal  
450 9<sup>th</sup> Avenue  
Granite Falls, MN 56241  
Phone: 320-564-4083  
Fax: 320-564-4782

BERT RANEY ELEMENTARY  
Lisa Hansen, Principal  
555 7<sup>th</sup> Avenue  
Granite Falls, MN 56241  
Phone: 320-564-4082  
Fax: 320-564-4427

ACTIVITIES & COMMUNITY EDUCATION  
Tim Knapper, Director  
450 9<sup>th</sup> Avenue  
Granite Falls, MN 56241  
Phone: 320-564-4084  
Fax: 320-564-4781

MVCC - SPECIAL EDUCATION  
Cindy Loe, Director  
450 9<sup>th</sup> Avenue  
Granite Falls, MN 56241  
Phone: 320-564-4084  
Fax: 320-564-4781

## YELLOW MEDICINE EAST SCHOOL DISTRICT APPEAL OF BEAR DENIAL

### Chronological Events with respect to BEAR Denial on FRN 1799043870 - Basic Maintenance

I feel it is important for USAC to realize that Yellow Medicine East School District has been timely in responding to all requests from USAC where this BEAR form is concerned. Therefore, I have included a timeline of all correspondence that has taken place over the past 4+ months to indicate their willingness to comply with all USAC requests.

- 4/21/17      471 #171020991 filed  
Licenses for the Wireless Access Points (WAPS) were filed under Basic Maintenance as instructed by USAC Customer Service. The licenses are for software updates to the WAPS so that they continue to run effectively.
- 9/15/17      Funding Commitment Decision Letter Received  
FRN 1799043870 (WAP licenses) approved for \$4,104.24 (\$5863.20 x .70)
- 11/3/17      BEAR form filed - YME17-Dell SLD Invoice #2721969
- 11/7/17      USAC PIA reviewer, Lisa Butera, requested documentation on the above BEAR form. All of the invoices from Dell that corresponded to this BEAR form were sent.
- 12/5/17      Received Remittance Statement 443000089 that the BEAR form (specifically FRN 1799043870) was denied due to "insufficient documents provided for review". This came as a surprise as at no time did USAC indicate the documents were insufficient. They were the exact invoices received from the company listing the amount of \$5,863.20 for the software update licenses as filed for and approved in the 471.
- 12/5/17      The invoice was sent again via email to [customersupport@usac.org](mailto:customersupport@usac.org) and requested that the case be escalated. Received a response from Sam Clark, Lead Customer Analyst, Finance via email instructing the district to call 888-203-8100 #0 and ask for assistance.
- 
- 12/5/17      Called SLD Department and Case #209742 was assigned. Cody Hoover instructed the district to submit a written request to escalate the case.
- 12/5/17      Leeann Boushek, the erate contact for Yellow Medicine East, sent a written request to escalate this case **again** and included the Dell invoices with this email. As a side note, she forgot to attach the invoices with the initial email and quickly sent just the invoices right after she realized she had NOT attached the invoices.
- 12/6/17      Leeann Boushek, resent the above written request to escalate this case along with the invoices attached again just to be sure that USAC had received it all in one email. She included everything asked for.
- 12/12/17      She then received an email back from USAC telling her she needed to take this up with her original PIA Reviewer, Lisa Butera. **Case #209742 closed.**

- 12/18/17 LeeAnn Boushek, then sent a formal request via email to the original reviewer, Lisa Butera, requesting that this case #209742 be escalated. Explained that the documentation had been sent in a timely fashion and that it supported the request for payment.
- 1/17/18 She heard nothing back from Lisa Butera. A note was created in EPC reaching out for support and requesting an update. **New Case #216962 assigned.**
- 1/18/18 Received an email from Bailey Hill, Technical Client Service Bureau, indicating that USAC needed a written authorization from the district to escalate the rejection of the BEAR form. The district wrote back indicating that had been done already but Bailey indicated that the escalation request needed to be sent to a different department.
- 1/18/18 A copy of the original email requesting escalation that was sent to [slidpr@gdit.com](mailto:slidpr@gdit.com) on 12/5/17 was forwarded to Bailey Hill. Bailey responded that she would escalate this for the district and that was the last the district heard from USAC until 3/9/18
- 3/9/18 The district received a notice that Case #216962 was updated. Upon checking EPC, no update was found. A quick note was sent through EPC to advise the district of the update.
- 3/9/18 **New Case #227996 assigned.** USAC responded: "Sorry for the confusion but once a case has been closed for so long, it cannot be reopened. (Who knew it was closed. Our last communication was with Bailey Hill and she was "escalating" the issue). The district was instructed to file a formal appeal to USAC.

In conclusion, when filing the 471, the district was told to put the licenses under Basic maintenance because the licenses allow for software updates (maintenance) on the WAPs. It was all approved in the Funding Commitment Decision Letter. I believe that semantics are causing an issue here. Dell lists the software updates as a license but it is definitely a maintenance function. As a small rural school, this money is crucial to keeping technology updated. The district moved forward with this project due to the FCDL. Now they are left responsible for the total cost of the update.

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We would appreciate your review of this case and thank you in advance for your assistance.

- 3/19/18 Filed Appeal # 91713 with USAC per instructions from USAC.
- 5/15/18 Received Revised Funding Commitment Decision Letter indicating that Appeal was denied due to more than 60 days passing before filing the appeal. Instructed to file an appeal with the FCC.



DELL MARKETING L.P.  
One Dell Way  
Round Rock, TX 78682

FID Number: 74-2616805  
For Sales: (800)695-8133  
Customer Service: (800)695-8133  
Technical Support: (800)695-8133  
Dell Online: <http://www.dell.com>

## Invoice

**BILL TO:**

YELLOW MEDICINE EAST SD 2190  
DARREN FRANSEN  
450 9TH AVE  
GRANITE FALLS, MN 56241-1399

**SHIP TO:**

YELLOW MEDICINE EAST SD 2190  
DARREN FRANSEN  
450 9TH AVE  
GRANITE FALLS, MN 56241-1399

PLEASE REVIEW DELL'S TERMS & CONDITIONS OF SALE AND POLICIES, WHICH GOVERN THIS TRANSACTION  
VIEW YOUR ORDER DETAILS ONLINE

Invoice No:	10177555184	Customer No:	530001723746	Order No:	SEE BELOW	Page 1 of 2
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Purchase Order:	006180004	Order Date:	06/30/2017
Payment Terms:	Due 30 days from the invoice date	Sales Rep:	AMY STUBBS
Due Date:	08/11/2017	Shipped Via:	SEE BELOW
Invoice Date:	07/12/2017	Customer Agreement No:	MHEC-07012015
Waybill Number:	0	Contract Number:	99AGZ

Item Number	Description	Qty	Unit	Unit Price	Amount
210-ABOH	Dell Networking N3048P, L3, POE+, 48x 1GbE, 2xCombo, 2x 10GbE SFP+ fixed ports, Stacking, IO to PSU air, 1x 1100w AC PSU System Service Tags:3X96XC2, 8V96XC2, D5B6XC2, F2B6XC2, HY96XC2	5	EA	3,152.10	15,760.50 ✓
210-ABOF	Dell Networking N3024P, L3, POE+, 24x 1GbE, 2xCombo, 2x 10GbE SFP+ fixed ports, Stacking, IO to PSU air, 1x 715w AC PSU System Service Tags:C7J0XC2	1	EA	1,757.28	1,757.28 ✓
210-ABOD	Dell Networking N3024, L3, 24x1GbE, 2xCombo, 2x10GbE SFP+ fixed ports, Stacking, IO to PSU airflow, 1x AC PSU System Service Tags:CYX3XC2	1	EA	1,497.72	1,497.72 ✓

FOR SHIPMENTS TO CALIFORNIA, A STATE ENVIRONMENTAL FEE OF UP TO \$5 PER ITEM WILL BE ADDED TO INVOICES FOR ALL ORDERS CONTAINING A DISPLAY GREATER THAN 4 INCHES. PLEASE KEEP ORIGINAL BOX FOR ALL RETURNS. COMPREHENSIVE ONLINE CUSTOMER CARE INFORMATION AND ASSISTANCE IS A CLICK AWAY AT [WWW.DELL.COM/PUBLIC-ECARE](http://WWW.DELL.COM/PUBLIC-ECARE) TO ANSWER A VARIETY OF QUESTIONS REGARDING YOUR DELL ORDER.

USD	
Sub-Total:	\$ 37,667.40
Ship. &/or Handling:	\$ 0.00
ENVIRO FEE:	\$ 0.00
Taxable:	
\$ 0.00	Tax:
Non-Taxable:	\$ 0.00
\$ 37,667.40	
Invoice Total:	\$ 37,667.40



DELL MARKETING L.P.  
One Dell Way  
Round Rock, TX 78682

FID Number: 74-2616806  
For Sales: (800)695-8133  
Customer Service: (800)695-8133  
Technical Support: (800)695-8133  
Dell Online: <http://www.dell.com>

## Invoice

**BILL TO:**

YELLOW MEDICINE EAST SD 2190  
DARREN FRANSEN  
450 9TH AVE  
GRANITE FALLS, MN 56241-1399

**SHIP TO:**

YELLOW MEDICINE EAST SD 2190  
DARREN FRANSEN  
450 9TH AVE  
GRANITE FALLS, MN 56241-1399

PLEASE REVIEW DELL'S TERMS & CONDITIONS OF SALE AND POLICIES, WHICH GOVERN THIS TRANSACTION  
VIEW YOUR ORDER DETAILS ONLINE

Invoice No:	10177555184	Customer No:	530001723746	Order No:	SEE BELOW	Page 2 of 2
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Purchase Order:	005180004	Order Date:	06/30/2017
Payment Terms:	Due 30 days from the invoice date	Sales Rep:	AMY STUBBS
Due Date:	08/11/2017	Shipped Via:	SEE BELOW
Invoice Date:	07/12/2017	Customer Agreement No:	MHEC-07012015
Waybill Number:	0	Contract Number:	99AGZ

Item Number	Description	Qty	Unit	Unit Price	Amount
210-ABOG	Dell Networking N3048, L3, 48x 1GbE, 2x Combo, 2x 10GbE SFP+ fixed ports, Stacking, IO to PSU airflow, 1x AC PSU System Service Tags: 2PC3XC2, 2XC3XC2, 5SC3XC2, 9PC3XC2, G6D3XC2	5	EA	2,413.74	12,068.70 ✓
407-BBOU	Dell Networking, Transceiver, SFP+, 10GbE, SR, 850nm Wavelength, 300m Reach - Kit	4	EA	180.00	720.00 ✓ 540
210-AHTR	HiveManager NG On-Premise Subscription License for Aerohive Access Point System Service Tags: HFZ01K2	1	EA	5,863.20	5,863.20 ✓ maint.

Order Number(s): 233550705, 233550713, 233550721, 233550739, 233550747, 233550754

SHIP TO:	TAX AMT
YELLOW MEDICINE EAST SD 2190 DARREN FRANSEN 450 9TH AVE GRANITE FALLS, MN 56241-1399	\$ 0.00
	ENVIRO FEE
	\$ 0.00

**DELLEMC**DELL MARKETING L.P.  
One Dell Way  
Round Rock, TX 78682FID Number: 74-2616805  
For Sales: (800)695-8133  
Customer Service: (800)695-8133  
Technical Support: (800)695-8133  
Dell Online: <http://www.dell.com>**Invoice****BILL TO:**YELLOW MEDICINE EAST SD 2190  
DARREN FRANSEN  
450 9TH AVE  
GRANITE FALLS, MN 56241-1399**SHIP TO:**YELLOW MEDICINE EAST SD 2190  
DARREN FRANSEN  
450 9TH AVE  
GRANITE FALLS, MN 56241-1399PLEASE REVIEW DELL'S TERMS & CONDITIONS OF SALE AND POLICIES, WHICH GOVERN THIS TRANSACTION  
VIEW YOUR ORDER DETAILS ONLINE

<b>Invoice No:</b> 10178832898	<b>Customer No:</b> 530001723746	<b>Order No:</b> 235123089	<b>Page 1 of 1</b>
<b>Purchase Order:</b> 0051800041	<b>Waybill Number:</b> UGUPS		
<b>Payment Terms:</b> Due 30 days from the invoice date	<b>Order Date:</b> 07/06/2017		
<b>Due Date:</b> 08/17/2017	<b>Sales Rep:</b> AMY STUBBS		
<b>Invoice Date:</b> 07/18/2017	<b>Shipped Via:</b>		

Item Number	Description	Qty	Unit	Unit Price	Amount
A8382966	Aerohive AP230 - Wireless access point - 802.11a/b/g/n/ac - Dual Band	42	EA	297.51	12,495.42
A9747667	UPG DELL 5YR SUBSCRIPTION CANT BE ORDERED AS STANDALONE	42	EA	90.00	3,780.00

FOR SHIPMENTS TO CALIFORNIA, A STATE ENVIRONMENTAL FEE OF UP TO \$5 PER ITEM WILL BE ADDED TO INVOICES FOR ALL ORDERS CONTAINING A DISPLAY GREATER THAN 4 INCHES. PLEASE KEEP ORIGINAL BOX FOR ALL RETURNS. COMPREHENSIVE ONLINE CUSTOMER CARE INFORMATION AND ASSISTANCE IS A CLICK AWAY AT [WWW.DELL.COM/PUBLIC-ECARE](http://WWW.DELL.COM/PUBLIC-ECARE) TO ANSWER A VARIETY OF QUESTIONS REGARDING YOUR DELL ORDER.

USD	
<b>Sub-Total:</b>	\$ 16,275.42
<b>Ship. &amp;/or Handling:</b>	\$ 0.00
<b>ENVIRO FEE:</b>	\$ 0.00
<b>Taxable:</b>	
\$ 0.00	<b>Tax:</b>
<b>Non-Taxable:</b>	\$ 0.00
\$ 16,275.42	
<b>Invoice Total:</b>	\$ 16,275.42



Universal Service  
Administrative Co.

May 15, 2018

## Revised Funding Commitment Decision Letter

### Funding Year 2017

**Contact Information:**

LeeAnn Boushek  
YELLOW MEDICINE EAST SD 2190  
450 9TH AVE  
GRANITE FALLS, MN 56241  
[lboushek@isd2190.org](mailto:lboushek@isd2190.org)

**BEN:** 133868

**Post Commitment Wave:** 20

## Totals

Original Commitment Amount	\$4,104.24
<b>Revised Commitment Amount</b>	<b>\$4,104.24</b>

## What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2017 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

## Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



**BEN Name:** YELLOW MEDICINE EAST SD 2190  
**BEN:** 133868  
**Post Commitment Wave:** 20

- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
  - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the FCC Form 472, the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
  - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the FCC Form 474, the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an FCC Form 473, the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
  - **To receive an invoice deadline extension**, the applicant or service provider must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

## How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

**Note:** The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the E-rate Productivity Center (EPC) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's website for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the Electronic Comment Filing System (ECFS). Include your contact information, a statement that your filing is a waiver request,

FCC.gov  
ECFS  
Submitted  
02-6

May 15, 2018

✓ moved Appeal

Revised





**BEN Name:** YELLOW MEDICINE EAST SD 2190  
**BEN:** 133868  
**Post Commitment Wave:** 20

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

## **Obligation to Pay Non-Discount Portion**

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

## **Notice on Rules and Funds Availability**

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



**BEN Name:** YELLOW MEDICINE EAST SD 2190

**BEN:** 133868

**Post Commitment Wave:** 20

## **Revised Funding Commitment Decision Overview**

### **Funding Year 2017**

<b>Funding Request Number (FRN)</b>	<b>Service Provider Name</b>	<b>Request Type</b>	<b>Revised Committed</b>	<b>Review Status</b>
1799043870	Dell Marketing LP	Appeals	\$4,104.24	<b>Denied</b>



**BEN Name:** YELLOW MEDICINE EAST SD 2190

**BEN:** 133868

**Post Commitment Wave:** 20

<b>Post Commitment Request Number:</b> 91713	<b>Post Commitment Request Type:</b> Appeals	<b>Post Commitment Decision:</b> Denied
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<b>FRN:</b> 1799043870	<b>Service Type:</b> Basic Maintenance of Internal Connections	<b>Original Status:</b> Funded	<b>Revised Status:</b> Funded
<b>FCC Form 471:</b> 171020991			

<b>Dollars Committed</b>			
<b>Monthly Cost</b>		<b>One-Time Cost</b>	
Months of Service	12		
Total Eligible Recurring Charges	\$0.00	Total Eligible One Time Charges	\$5,863.20
Total Pre-Discount Charges		\$5,863.20	
Discount Rate		70.00%	
Revised Committed Amount		\$4,104.24	

<b>Dates</b>		<b>Service Provider and Contract Information</b>	
Service Start Date	7/1/2017	Service Provider	Dell Marketing LP
Contract Expiration Date	6/30/2018	SPIN (498ID)	143004340
Contract Award Date	4/18/2017	Contract Number	3000007619141/1
Service Delivery Deadline	9/30/2018	Account Number	N/A
Expiration Date (All Extensions)		Establishing FCC Form 470	170056191

<b>Consultant Information</b>	
Consultant Name	
Consultant's Employer	
CRN	

**Revised Funding Commitment Decision Comments:**

**Post Commitment Rationale:**

Our records show that your appeal was filed more than 60 days after the date your decision letter was issued. Your appeal was filed on 03/19/2018. The BEAR Notification Decision Letter for Invoice # 133868 was issued on 12/08/2017. Federal Communications Commission (FCC) rules require appeals to be filed within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.